



SECTION 106A TOWN AND COUNTRY PLANNING ACT 1990

Application for Modification or Discharge of Planning Obligation

1a. Applicant:		1b. Agent:	
Name	KEVIN HATTON & Christopher HATTON	Name	Bronley Clackett Law LLP
Address	C/o Agent	Address	74-76 Aldwick Road, Bognor Regis
Post Code		Post Code	PO21 2PE
Tel No			
Email			

2. Address or location of the land to which this application relates:
FLAT 1 Angelsea Court 11 Victoria Road South Bognor Regis PO21 2NA
The application must be accompanied by a location plan with the site edged red

3. Please state the nature of the applicant's interest in the land (i.e. landowner, leaseholder, prospective purchaser):
EXECUTOR on behalf of registered owner

4. Type of Application	
Application to discharge obligation	YES/NO
Application to modify obligation	YES/NO

5. Planning Agreement	
Date Planning Agreement was entered into	6-4-87
Reference of relevant Planning Permission	BR/S17/85
Obligation to be discharged/amended	Clause 3A Age restriction to be amended to say "To be occupied by persons of 55 years of age or over."

6. Brief outline of reasons for applying to discharge/amend the obligation:

our client is selling their late mother's property. There is a buyer keen to proceed however, they do not meet the age requirement stated in the S52 Agreement, dated 6-4-87.

7. Please state any other information considered relevant to this application

The freeholders of the building have indicated that they will agree to a modification of the planning obligation to "55 years or over".

9. Are you, or the person you are acting for, related to any member of staff or Elected member of the Council? If yes please specify details:

No

I/We hereby apply for the approval of the planning obligation.

Signed

Bonnie Crockett
Law

On behalf of (insert applicants name if signed by agent)

Kevin and
Christopher Hutton

Date: 24-4-20

Certificates – This application must be accompanied by a completed ownership certificate A or B (whichever is appropriate) and if Certificate B applies a Notice* must also be served on the Owner(s)

*Separate Notice attached to the end of this form

Data Protection

The information collected from this form will be used by Arun District Council only for purposes as indicated on our Privacy Notice <https://www.arun.gov.uk/planning-privacy-statements>

CERTIFICATE A

I certify that on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable against nobody other than the applicant.

Signed:

(If appropriate) On behalf of:

Date:

CERTIFICATE B

I certify that the applicant has given notice to everyone else against whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application related was enforceable as listed below:

Person on whom notice served	Address it was served	Dated it was served
Alan Harvey	FLAT 3 Anglersea Court	28.4.20
Jacqueline Ann Totten	FLAT 2 Anglersea Court	28.4.20
Richard Ayres Attorney for Donald Bush	FLAT 4 Anglersea Court	29.4.20

Signed Bromley Claphell Law

(If appropriate) On behalf of: Kevin & Christopher Hutton

Date: 28/4/20

Cont...

NOTICE

Notice of an application to modify or discharge a planning obligation under Section 106a of the Town and Country Planning Act 1990

I give notice that (insert name of applicant):

Kevin E Christopher HATTON

Is applying to Arun District Council to modify/discharge the planning obligation described below (enter brief description of the planning obligation which the application wishes to have modified or discharged):

The property or any part thereof not to be occupied by persons of less than state pensionable age

Land to which the obligation relates (enter the address or location of the land):

FLAT 1
Angelsea Court
11 VICTORIA ROAD South
Bognor Regis PO21 2NA

Date on which the obligation was entered into:

644-87

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Planning Department, Arun District Council, The Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5SS by (enter date giving a period of 21 days beginning with the date of service or publication of the notice as the case may be):

18/5/20

Signed Bonnie Clackell Law Date 28/4/20

(if appropriate) on behalf of Kevin E Christopher HATTON

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COPY

THIS AGREEMENT is made the 17th day of April
One thousand nine hundred and eighty ~~two~~ ^{seven} BETWEEN ARUN DISTRICT
COUNCIL of Council Offices Littlehampton in the County of West
Sussex BN17 5EP (hereinafter called "the Council") of the one part
and [REDACTED]
[REDACTED] in the said County (hereinafter called
"the Owner") of the other part

W H E R E A S:

- (1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1971 for the area within which the property the subject of this agreement is situated
- (2) The Owner is the owner in fee simple in possession free from incumbrances of the property situate and known as site of 11 Victoria Road South Bognor Regis in the County of West Sussex (hereinafter referred to as "the Property")
- (3) An application (Reference No. BR/517/85) dated 12th September 1985 has been made to the Council for permission to develop the Property and the Council is satisfied that the development disclosed by the said application is such as may be approved under the said Act subject to the covenants hereinafter contained

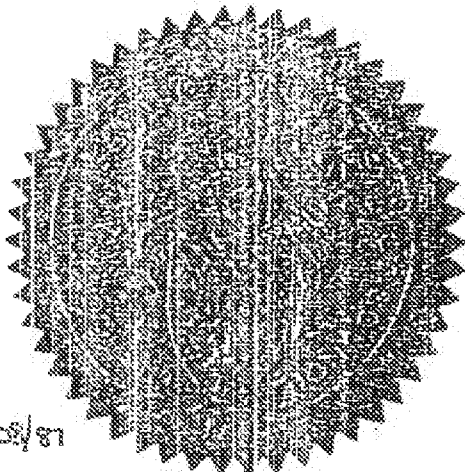
NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is made in pursuance of Section 52 of the Town and Country Planning Act 1971 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and in consideration of the covenants by the Owner hereinafter contained
2. THE Council hereby approve the said development (Reference No. BR/517/85) subject to the conditions set out in the Notice of Approval of even date
3. THE Owner hereby covenants with the Council as follows:-
 - (a) that without the payment of compensation the Owner will not permit the property or any part thereof to be occupied by persons of less than State Pensionable Age provided that there shall not be deemed to be a breach of this covenant in the case of occupation of any of the dwellings or units comprised in the property by:
 - (i) two person living as a family where one of them has not attained the said age
 - (ii) a spouse below the said age following the death of his or her spouse who has acquired State Pensionable Age

(b) To comply with the conditions set out in the Notice of Approval of even date _____

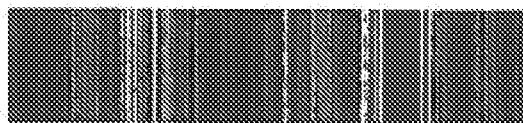
4. THE expressions "the Council" and "the Owner" shall include their respective successors in title and assigns

IN WITNESS whereof the Council has set its Common Seal and the Owner has set his hand and seal the day and year first hereinbefore written



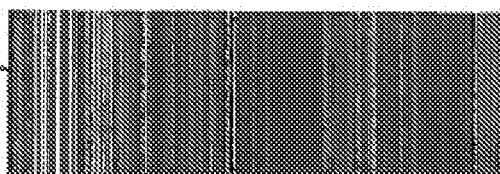
30/8/81

(THE COMMON SEAL of the
(ARUN DISTRICT COUNCIL was
(hereunto affixed in the
(presence of:-



Secretary

Authorised Signatory



SIGNED SEALED and DELIVERED
By the said THOMAS FRANCIS
BULLYER in the presence of:-

